



Docket No.: 9988.059.00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Soon Jo LEE et al.

Customer No.: 30827

Application No.: 10/663,995

Confirmation No.: 1979

Filed: September 17, 2003

Art Unit: 3749

For: STRUCTURE FOR SHIELDING EXPOSED
PART OF CORE WIRE OF TERMINAL
BLOCK IN CLOTHES DRYER

Examiner: Stephen Michael Gravini

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answer (hereinafter "*the Answer*,") dated September 18, 2007, Appellants hereby submit this Reply Brief for consideration by the Honorable Board.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37(c):

- I. Status of Claims**
- II. Grounds of Rejection to be Reviewed on Appeal**
- III. Argument**
- IV. Conclusion**
- Claims Appendix**
- Evidence Appendix**
- Related Proceedings Appendix**

I. STATUS OF THE CLAIMS

Total Number of Claims in the Application

There are 10 claims pending in this application.

Current Status of Claims

Claims canceled: None.

Claims withdrawn from consideration but not canceled: None.

Claims pending: Claims 1-10.

Claims allowed: None.

Claims rejected: Claims 1-10.

Claims on Appeal: The claims on appeal are claims 1-10.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Whether the rejection of claims 4-6 and 9-10 is proper under 35 U.S.C. § 102(b) as being anticipated by EP 0 889 556 (hereinafter *Douty*).

(B) Whether the rejection of claims 1, 3, 7 and 8 are proper under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 2,742,708 (hereinafter *McCormick*) in view of U.S. Patent No. 4,030,802 (hereinafter *Lennon*).

(C) Whether the rejection of claim 2 is proper under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of *Lennon* and in further view of U.S. Patent Number 4,820,189 to (hereinafter *Sergeant*).

VII. ARGUMENTS

(A) Independent claim 4, and claims 5-6 and 9-10, which depend therefrom, are not anticipated by *Douty* under 35 U.S.C. § 102(b)

As required in Chapter 2131 of the MPEP, in order to anticipate a claim under 35 U.S.C. § 102(b), “the reference must teach every element of the claim.” “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 4 recites a laundry dryer control panel comprising, *inter alia*, a “terminal block disposed within the laundry dryer control panel, the terminal block including a back portion placed on the control panel.”

In setting forth the rejection, the Examiner alleges that *Douty*'s terminal block 10 is disposed within panel 150. See *Examiner's Answer* at page 3. In maintaining his rejection, the Examiner argues that the term “control” in the claimed recitation of “control panel” does not patentably distinguish the claimed “control panel” from panel 150 of *Douty* because both control electrical components of a clothes dryer. In addition, the Examiner asserts that “the claimed back portion merely designates a spatial relationship such that a terminal block would have a front and back portion when viewed from various perspectives.” See *Examiner's Answer* at pages 6-7. Appellants disagree with the Examiner's allegations.

- 1. The panel 150 of *Douty* is not disclosed to be a “control panel,” and therefore cannot possibly constitute the claimed “laundry dryer control panel”**

Appellants submit that a “laundry dryer control panel” is distinct from *Douty*’s disclosure of a panel for a power port of an appliance. In this regard, Appellants further submit that a panel of a “power port” itself does not constitute a “laundry dryer control panel.” See, for example, control panel 6 of Figures 1-3 of *Appellants’ specification* for illustrations of exemplary laundry dryer control panels. Moreover, in contrast to the Examiner’s allegations, Appellants submit that there is no evidence that *Douty*’s power port controls electrical components of a clothes dryer, as asserted by the Examiner on page 7 of the *Examiner’s Answer*. As such, *Douty*’s mere disclosure of a terminal block 10 being mountable without fasteners in a panel cutout 152 such as power port of an appliance fails to anticipate a “terminal block disposed within the laundry dryer control panel,” as recited in independent claim 4.

2. The terminal block 10 of *Douty* is not disclosed to have a back portion placed on a control panel, and therefore cannot possibly constitute these claimed features

In the *Examiner’s Answer*, the Examiner fails to address the Appellants’ arguments that *Douty*’s terminal block 10 is not placed within a laundry dryer control panel and includes a back portion placed on the control panel. Rather, the Examiner merely asserts that “the claimed back portion merely designates a spatial relationship such that a terminal block would have a front and back portion when viewed from various perspectives.” See *Examiner’s Answer* at page 7. Appellants do not understand how the Examiner’s assertion provides any support for his allegation that *Douty* discloses the features of independent claim 4.

As aforementioned, *Douty* discloses that terminal block 10 is mountable without fasteners in a panel cutout 152. See *Douty* at Abstract and Figure 1. However, *Douty* provides no disclosure of a terminal block being placed within a laundry dryer control panel and includes

a back portion placed on the control panel. This deficiency in *Douty* is further evidenced by *Douty*'s lack of disclosure of a laundry dryer control panel, as discussed above.

Independent claim 4 recites a laundry dryer control panel comprising, *inter alia*, a "wall extending below the terminal block bottom part and above the terminal uppermost part; a first wire extending out of the terminal block bottom part; and a second wire extending out of the terminal block uppermost part wherein the wall extends from the terminal block such that the wall shields portions of exposed cores of the first wire and the second wire."

In setting forth the rejection, the Examiner asserts that *Douty*'s termination site 20, skirt 22, and end wall 26 are the claimed wall. See *Examiner's Answer* at page 3. In maintaining his rejection, the Examiner newly alleges that "it must be recognized that a plain meaning of the claimed 'wall' includes not only the disclosed end wall 26, skirt 22, and termination sites 20, used in the rejection, but also the disclosed panel 150, panel mounting periphery 16, and cover 168, all which function structurally as the claimed wall, because one or more of those teachings extend below the terminal block bottom part and above the terminal block uppermost part, as shown in *Douty* figures 1-3 and 6." See *Examiner's Answer* at page 7. Appellants disagree.

3. The termination site 20, skirt 22, and end wall 26 of *Douty* do not extend below the terminal block bottom part and above the terminal block uppermost block, and therefore cannot possibly constitute the claimed wall

Douty illustrates the termination site 20, skirt 22, and end wall 26 as being integral components of the terminal block 10. See *Douty* at column 2, line 7 to column 3, line 9, as well as Figure 1. As such, *Douty*'s termination site 20, skirt 22, and end wall 26 cannot possibly constitute the claimed wall at least since these features are within the bounds of the terminal

block 10 and thus fail to extend "below" the "bottom" part of the terminal block 10 or "above" the "uppermost" part of the terminal block 10. Additionally, Appellants submit that the Examiner's alleged contact sections 194 and 84 are also within the bounds of the terminal block 10. See *Douty* at Figure 5.

4. The panel 150 and panel mounting periphery 16 of *Douty* do not shield portions of exposed cores of the first wire and the second wire, and therefore cannot possibly constitute the claimed wall

In contrast to the Examiner's newly submitted allegations, Appellants submit that panel 150, panel mounting periphery 16, and cover 168, do not shield portions of exposed cores of the cable conductor 192 or internal wire conductor 186. Rather, as illustrated in Figure 6, the cable conductor 192 and the internal wire conductor 186 are insulated and do not contain any exposed cores in areas occupied by panel 150 and panel mounting periphery 16. Appellants further submit that *Douty*'s cover 168 does not extend beyond the terminal block 10. Rather, *Douty* discloses that cover 168 is mountable atop terminal block 10. See *Douty* at column 4, lines 3-5, as well as Figure 3.

For at least each of the aforementioned reasons, independent claim 4 is patentably distinguishable over *Douty*. Likewise, claims 5-6 and 9-10, which depend from claim 4, are also patentably distinguishable for at least the same reasons. Therefore, the rejection of claims 4-6 and 9-10 is improper under 35 U.S.C. § 102(b) and should be reversed.

(B) Independent claim 1, and claims 3 and 7-8, which depend therefrom, are not obvious over *McCormick* in view of *Lennon* under 35 U.S.C. § 103(a)

As required in Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” However, *McCormick* and *Lennon*, taken singularly or in combination, fail to disclose or suggest each and every element recited in at least independent claim 1. The Examiner even admits on multiple occasions that “it is recognized that *McCormick* and *Lennon* might not teach every element of the claimed invention.” See *Examiner's Answer* at page 9. Due to these clear and admitted deficiencies, Appellants respectfully request that the rejection of claims 1, 3, and 7-8 under 35 U.S.C. § 103(a) be reversed.

Despite the admitted shortcomings of *McCormick* and *Lennon*, the Examiner nevertheless maintains the 35 U.S.C. § 103(a) rejection of these claims. In addition, the Examiner alleges that “*Lennon* figure 1 teaches a casing 23 at column 5 line 43, support or plate 47 at column 5 line 16, while figure 3 shows walls 43 at column 4 line 65, connecting walls 67 at column 5 line 65, wall 63, 65 at column 5 line 67, and casing faces 57, 67 at column 6 line 1,” and further alleges that “each of these disclosed teaches the claimed wall.” See *Examiner's Answer* at page 10. Appellants disagree.

1. Casing 23 and plate 47 of *Lennon* are not at a front portion of terminal block, and thus does not extend below a bottom portion of the front portion, and therefore cannot possibly constitute the claimed wall

Independent claim 1 requires that the terminal block comprises, *inter alia*, a “back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion.” In attempting to arrive at the Appellants’ claimed

invention, the Examiner has interpreted support plate 47 and casing 23 as being the wall. Appellants, however, submit that casing 23 and support plate 47 reside on opposite faces of the terminal block assembly 11. See *Lennon* at Figure 1. Due to their different positions, *Lennon*'s terminal block assembly 11 cannot possibly have a wall on a front portion thereof. Rather, the support plate 47 is on one portion (e.g., front portion) and the casing 23 is on the opposite portion (e.g., back portion) of the terminal block assembly 11.

For at least each of the aforementioned reasons, independent claim 1 is patentably distinguishable over *McCormick* in view of *Lennon*. Likewise, claims 3 and 7-8, which depend from claim 1, is also patentably distinguishable for at least the same reasons. Therefore, the rejection of claims 1, 3, and 7-8 is improper under 35 U.S.C. § 103(a) and should be reversed.

(C) Dependent claim 2, which depends from independent claim 1, which was shown to be patentable, is not obvious over *McCormick* in view of *Lennon* and in further view of *Sergeant* under 35 U.S.C. § 103(a)

As required in Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” However, *McCormick*, *Lennon*, and *Sergeant*, taken singularly or in combination, fail to disclose or suggest each and every element recited in at least independent claim 1. The Examiner even admits that “it is recognized that *McCormick*, *Lennon*, and *Sergeant* might not teach every element of the claimed invention.” See *Examiner's Answer* at page 10. In addition, the Examiner further notes that there was an error (e.g., *Hopkins* citation) in the rejection of claim 2. As a result of the Examiner’s alleged “typographical error,” the Examiner has issued a new ground of rejection for claim 2 by deciding to now rely upon *Lennon* in lieu of *Hopkins*.

Although Appellants believe that presenting this new combination is inappropriate at this time, Appellants nevertheless submit that this new proposed combination of *McCormick*, *Lennon*, and *Sergeant* also fails to disclose or suggest each and every feature of independent claim 1 and dependent claim 2. Furthermore, Appellants note that the Examiner has not addressed Appellants' previous arguments regarding the lack of motivation, suggestion, or reasoning for the Examiner's combination of different embodiments within *Sergeant*. Again, the Examiner's reliance upon different embodiments within *Sergeant* without motivation, teaching, or suggestion is further illustrated on page 11 of the *Examiner's Answer*, in which the Examiner refers to the terminal block 20 of Figure 1 in relation to the control panel of Figure 2. However, *Sergeant* expressly indicates that Figures 1 and 2 do not belong to the same embodiment. Due to these clear and admitted deficiencies, Appellants respectfully request that the rejection of claims 1-2 under 35 U.S.C. § 103(a) be reversed.

For at least each of the aforementioned reasons, independent claim 4 is patentably distinguishable over *McCormick* in view of *Lennon* and in further view of *Sergeant*. Likewise, claim 2, which depends from claim 4, is also patentably distinguishable for at least the same reasons. Therefore, the rejection of claim 2 is improper under 35 U.S.C. § 103(a) and should be reversed.

VIII. CONCLUSION

For at least each of the reasons as discussed above, claims 4-6 and 9-10 are improperly rejected under 35 U.S.C. § 102(b) as being anticipated by *Douty*. Claims 1, 3, 7 and 8 are improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of *Lennon*. Claim 2 is improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over *McCormick* in view of *Lennon* and in further view of *Sergeant*.

This Honorable Board is respectfully requested to reverse the rejections set forth in the final Office Action and direct the Examiner to pass this application to issue.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: November 16, 2007

Respectfully submitted,

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Attachments

CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 10/663,995

1. (Previously Presented) A structure for shielding an exposed part of core wire of a terminal block in a clothes dryer comprising:
 - a base forming a floor;
 - a front cabinet forming a front portion of the clothes dryer;
 - a side cabinet forming a side portion of the clothes dryer;
 - a back cover forming a back side of the clothes dryer;
 - a top cover provided on a top surface of the front cabinet, the side cabinet and the back cover;
 - a control panel provided on a rear portion of the top cover; and
 - a terminal block provided on an inside of the control panel, wherein the terminal block comprises a back portion placed on the control panel and a front portion having a wall configured for shielding parts exposing a core of a wire extending above an uppermost portion of the front portion and below a bottom portion of the front portion.

2. (Previously Presented) The structure for shielding an exposed part of core wire of a terminal block in a clothes dryer of claim 1, wherein the wall for shielding the exposed part of core wire covers a first connector connecting a lower part of the terminal block with a power cord wire and a second connector connecting an upper part of the terminal block with a power cord wire from a front portion of the terminal block and a side portion of the terminal block.

3. (Original) The structure for shielding an exposed part of core wire of a terminal block in a clothes dryer of claim 1, wherein the wall for shielding the exposed part of core wire and the terminal block are formed as a single body when forming the terminal block.

4. (Previously Presented) A laundry dryer control panel comprising:
a terminal block disposed within the laundry dryer control panel, the terminal block including a back portion placed on the control panel and a front portion having a bottom part and an uppermost part;
a wall extending below the terminal block bottom part and above the terminal block uppermost part;
a first wire extending out of the terminal block bottom part; and
a second wire extending out of the terminal block uppermost part wherein the wall extends from the terminal block such that the wall shields portions of exposed cores of the first wire and the second wire.

5. (Previously Presented) The laundry dryer control panel of claim 4, wherein the wall covers a first connector coupling the terminal block bottom part with a first power wire and a second connector coupling the terminal block uppermost part with a second power wire from a first side of the terminal block and a second side of the terminal block.

6. (Previously Presented) The laundry dryer control panel of claim 4, wherein the wall and the terminal block are formed as a single body.

7. (Previously Presented) The structure according to claim 1, wherein the parts exposing cores of the wire include a first part spaced from the terminal block and a second part spaced from the terminal block.

8. (Previously Presented) The structure according to claim 7, wherein the wall is sized such that the wall has an end that extends beyond the first part and another end that extends beyond the second part.

9. (Previously Presented) The laundry dryer control panel according to claim 4, wherein the portions of exposed cores of the wire include a first part spaced from the terminal block and a second part spaced from the terminal block.

10. (Previously Presented) The laundry dryer control panel according to claim 9, wherein the wall is sized such that the wall has an end that extends beyond the first portion and another end that extends beyond the second portion.

Application No.: 10/663,995
Group Art Unit 3749
Appellants' Reply Brief filed November 16, 2007

Docket No.: 9988.059.00

EVIDENCE APPENDIX

None.

Application No.: 10/663,995
Group Art Unit 3749
Appellant's Reply Brief filed November 16, 2007

Docket No.: 9988.059.00

RELATED PROCEEDINGS APPENDIX

None.